

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PETER ANDA, LATRICIA BELL,  
JONATHAN ELSNBROEK,  
JACQUELYN JOHNSON, LESLIE  
PENEGOR and DONALD WALSTROM,  
for themselves and class members,

Plaintiffs,

Case No. 14-CV-00295-RJJ

v

ROOSEN VARCHETTI & OLIVIER, PLLC,  
RICHARD G. ROOSEN, PAUL E.  
VARCHETTI, LYNN M. OLIVIER, WEB  
EQUITY HOLDINGS, LLC, CAVALRY  
SPV I, LLC and MAIN STREET ACQUISITION  
CORP.,

Defendants.

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**ROOSEN VARCHETTI & OLIVIER, PLLC'S RESPONSE  
TO COURT'S REQUEST FOR POSITION ON EXTENDING  
DISPOSITIVE MOTION FILING DEADLINE (DKT# 96)**

Roosen Varchetti & Olivier, PLLC ("RVO") sees no benefit to extending the dispositive motion filing deadline in this case. Plaintiffs have not made any overtures towards resolving this case and apparently have approached settlement of the Cognate Cases on a case-by-case basis. Given that those efforts to date have resulted only in two proposed settlements and apparent attempts at settlement in a few other cases, it is not likely that the 60 day extension will advance the resolution of the remaining Cognate Cases. Rather, the resolution of those cases will be stalled for no purpose or benefit to the litigants.

Further, as argued at the hearing on Plaintiffs' Motion for Class Certification, RVO's practice for accruing costs is different than that at issue in the other Cognate Cases because,

unlike the defendants in the other cases, RVO backs out the costs of a garnishment if it receives a disclosure that indicates the costs are not recoverable under MCR 3.101(R)(2). The question of whether this unique practice violated the FDCPA will likely have no impact on the resolution of the other Cognate Cases and there is no reason to delay the adjudication of Plaintiffs' claims against the defendants in this case.

Finally, dispositive motions have a way of apprising litigants of risk in their case of which they may not otherwise be apprised and may serve as an impetus to resolution. Given the fact that the class issues have been fully litigated and discovery completed and this case is not included in the group of cases where the parties have agreed to a settlement process, dispositive motion practice is the next necessary step to resolving this case.

RVO therefore respectfully asks the Court not to extend the dispositive motion filing date entered in this case.

Respectfully submitted.

MADDIN HAUSER ROTH & HELLER, P.C.

/s/ Kathleen H. Klaus  
KATHLEEN H. KLAUS (P67207)  
Attorney for the Lawyer Defendants  
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Dated: February 25, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on February 25, 2015 I electronically filed the above document(s) with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: all counsel of record.

/s/ Kathleen H. Klaus

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